

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Art Unit : 3637
Examiner : Christine T. Cajilig
Applicant : Robert H. Walker
Appln. No. : 10/757,898
Filing Date : January 15, 2004
Confirmation No. : 4736
For : FACIA GUARD BRACKET

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 U.S.C. § 121

This is a response to the restriction requirement set forth in the Office Action mailed June 23, 2006. In that Office Action, the Examiner set forth a restriction requirement, whereby the claims were restricted into two (2) groups. Group I included claims 1-3, and Group II included claims 4-8.

Applicant hereby elects Group II, including claims 4-8, with traverse. The Examiner has indicated that the combination, as claimed, does not require the particulars of the subcombination, as claimed, because the facia guard bracket of the combination does not require a fastening member, unlike the subcombination facia guard bracket. However, the combination claims do require that the facia guard bracket be secured (claims 4-6) or attached (claims 7-8) to the facia board. Based on the Examiner's restriction requirement, the Examiner appears to impart a difference to the term "fastening," as compared to the terms "secured" or "attaching." To the extent that the Examiner determines, during prosecution of this application, that the meaning of the term "fastening" is not distinct from the meaning of the terms "secured" and "attaching," Applicant respectfully requests the examination of all of the claims of this application on the merits.

Applicant : Robert H. Walker
Appln. No. : 10/757,898
Page : 2

Applicant believes the application is in condition for allowance. If there are any minor amendments needed to place the application in condition for allowance, Applicant requests the Examiner to call the undersigned at the number listed below.

Respectfully submitted,

July 19, 2006
Date

By: /Matthew J. Gipson/
Matthew J. Gipson, Reg. No. 45 631
PRICE, HENEVELD, COOPER, DEWITT & LITTON, LLP
695 Kenmoor SE
P.O. Box 2567
Grand Rapids, Michigan 49501-2567
616/949-9610

MJG/saw